

REMARKS

Claims 3-11 are pending. By this Amendment, claim 7 is canceled and claims 3 and 8 are amended.

Claim 3 has been amended herein to recite “wherein the means for maintaining a vacuum seal further comprise means for fastening and holding the carbon concentration measuring body transferring means,” in cooperation with the other recited elements. Claim 8 has been amended to strike the phrase “gradually cooling for a predetermined period of time” and to recite “drawing out the carbon concentration measuring body to a space portion between the furnace shell and a heat insulating layer,” in cooperation with the other recited elements. Support can be found, for example, at page 12, line 24 – page 13, line 4. No new matter has been added and no narrowing amendments are intended. Claim 8 has also been amended to recite “transferring a carbon concentration measuring body from a portion of the port outside of the furnace shell into the treating room using means for maintaining a vacuum seal of a portion of the port outside of the furnace shell and for fastening and holding the carbon concentration measuring body,” in cooperation with the other recited elements. Claims 3 and 8 have also been amended to remedy the informalities identified by the Examiner. Claim 7 has been canceled without prejudice.

The Office Action acknowledged receipt of certified copies of related Japanese applications and requested clarification regarding foreign priority claimed. Submitted herewith is a second supplemental Declaration previously filed on September 17, 2003, in U.S. Patent Application Serial No. 10/108,770, of which the present application is a divisional application. The second supplemental declaration indicates the foreign priority claim by leaving the “Priority Not Claimed” boxes unchecked. Applicants also note that the application data sheet filed with the present application included a claim of foreign priority to foreign application nos. 168471-2001 and 168472-2001 and stated that certified copies were filed in the parent application. The foreign priority claim is included on the filing receipt of the present application. Applicants

therefore submit that a timely claim for foreign priority has been made in this case and thank the Examiner for his attention to this matter.

The drawings were objected to under 37 C.F.R. § 1.83(a). FIG. 7 has been amended to include an electric resistance measuring device 27. Support can be found, for example, at page 13, lines 22-24, of the application as filed. No new matter has been added.

The specification was objected to because of various informalities. A substitute specification is submitted herewith in clean and annotated forms to remedy the informalities. The Abstract of the Disclosure has also been amended to remedy informalities. No new matter has been added.

Claims 3-11 were objected to because of various informalities. As previously stated, claim 7 has been canceled and claims 3 and 8 have been amended to remedy the informalities identified by the Examiner.

Claims 8-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner characterized the phrase “gradually cooling for a predetermined period of time” as a relative phrase rendering claim 8 indefinite. Claim 8 has been amended to strike the phrase “gradually cooling for a predetermined period of time” and to recite “drawing out the carbon concentration measuring body to a space portion between the furnace shell and a heat insulating layer,” in cooperation with the other recited elements. Applicants therefore respectfully request that the 35 U.S.C. § 112, second paragraph, rejection of claims 8-11 be withdrawn.

Claims 3, 4, 6, 8, 9, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,817,084 (hereinafter Whitehead) in view of JP 45-35411 (hereinafter Toyota). Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Whitehead in view of Toyota and further in view of In re Leshin, 125 USPQ 416 (CCPA 1960). Insofar as the rejections apply to the amended claims, the rejections are respectfully traversed.

It is respectfully submitted that the cited references do not teach or suggest the subject matter recited in amended claims 3 and 8. In particular, the cited references do not teach or suggest “wherein the means for maintaining a vacuum seal further comprise means for fastening and holding the carbon concentration measuring body transferring means,” in cooperation with the other recited elements of claim 3, or “transferring a carbon concentration measuring body from a portion of the port outside of the furnace shell into the treating room using means for maintaining a vacuum seal of a portion of the port outside of the furnace shell and for fastening and holding the carbon concentration measuring body,” in cooperation with the other recited elements of claim 8.

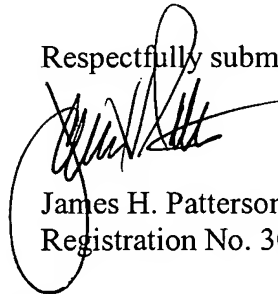
The Office Action indicated that original claim 7 (now canceled), which recited means for maintaining the vacuum seal of the portion of the port outside of the furnace shell is means for fastening and holding the carbon concentration measuring body transferring means, was allowable. Accordingly, amended claims 3 and 8 are allowable. Claims 4-6 and 9-11 depend from claims 3 and 8, respectively, and are allowable at least for the reasons set forth above.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James H. Patterson", is written over a circular stamp. The signature is fluid and cursive.

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AMENDMENTS TO THE DRAWINGS

FIG. 7 has been amended to include an electric resistance measuring device 27. Support can be found, for example, at page 13, lines 22-24, of the application as filed. No new matter has been added.

FIG. 7

